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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,647	10/20/2000	Paul Lapstun	NPA059US	7276

24011 7590 10/05/2005

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AUSTRALIA

EXAMINER	
PILLAI, NAMITHA	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/693,647	LAPSTUN ET AL.	
	Examiner	Art Unit	
	Namitha Pillai	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7-13,15-22,25-31,33 and 34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7-13,15-22,25-31,33 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/15/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 7-13, 15, 17-22, 25-31 and 33-34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by "Intelligent Paper" (Marc Dymetman and Max Copperman), herein referred to as Dymetman.

Referring to claims 1 and 20, Dymetman discloses a method of enabling a device to be controlled via a printed control interface (page 392, lines 28-34). Dymetman discloses that the control interface contains user control instructions relating to the device (page 393, lines 1-9). Dymetman discloses including invisible coded data and visible graphic data printed substantially simultaneously thereon by a single printer (page 399, lines 5-10), wherein invisible coded data representing page identification and coordinate information is used along with visible graphic data, representing items displayed for the user to interact with. Dymetman discloses that the invisible coded data is indicative of an identity of the control interface and of coordinates of a plurality of reference points of the control interface, the coded data identifying a unique location of each of the reference points of the control interface (page 393, lines 19-24). Dymetman discloses that at the time of printing a computer system associates a type and spatial extent of each reference point of the invisible coded data with a spatial extent of each

reference point of the invisible coded data with a spatial extent of at least some of the visible graphic data in which the device is operative to perform at least one function in response to control instructions from the computer system (page 393, lines 1-24), wherein the type of visible graphic information and the location or space held by these graphical visible data is associated with the coordinate and page identification information of the invisible coded data. Dymetman discloses coordinates of a plurality of locations on the control interface (page 392, lines 30-34). Dymetman discloses receiving, in the computer system, indicating data from an optical sensing device regarding the identity of the control interface and a position of the sensing device relative to the control interface (page 392, lines 30-36). Dymetman discloses that the sensing device, when placed in an operative position relative to the control interface, reading at least some of the coded data on the control interface and generating the indicating data using at least some of the read coded data (page 392, lines 30-36). Dymetman discloses effecting, in the computer system and from the indicating data, an operation relating to at least one parameter of the control instructions (page 392, lines 35-36).

Referring to claims 2 and 21, Dymetman discloses that at least one parameter relating to the control instructions is associated with at least one zone of the control interface and in which the method includes effecting, in the computer system and from the zone relative to which the sensing device is located, an operation relating to the at least one parameter (page 392, lines 30-36).

Referring to claims 3 and 22, Dymetman discloses receiving, in the computer system, data regarding movement of the sensing device relative to the control interface, the sensing device sensing its movement relative to the original control interface using at least some of the coded data (page 393, lines 1-7). Dymetman discloses effecting, in the computer system and from the movement being at least partially within the at least one zone, an operation relating to at least one parameter of the control instructions (page 393, lines 19-24).

Referring to claims 7 and 26, Dymetman discloses that the parameter of the control instructions is selected from the group including selecting the device, selecting the function to be performed (page 393, lines 1-9), establishing default setting for the function, establishing default setting for the device, registering user access to control the device function, authorizing user access to control the device function and issuing a command code to the device to perform the function (page 396, lines 11-16).

Referring to claim 8, Dymetman discloses issuing a command code to the device to perform the function in response to operation of the computer system (page 396, lines 14-16).

Referring to claim 9, Dymetman discloses that command code is issued to device through the sensing device (page 392, lines 28-34).

Referring to claim 10, Dymetman discloses that the command code is issued to device independently of sensing device (page 392, lines 7-9).

Referring to claim 11, Dymetman discloses that the code is issued to device using wireless technology (page 399, lines 1-4).

Referring to claim 12, Dymetman discloses which includes printing the control interface on demand (page 399, lines 12-14).

Referring to claim 13, Dymetman discloses printing the control interface on a surface of a surface-defining means and, at the same time that the control interface is printed, printing the coded data on the surface (page 399, lines 8-14).

Referring to claim 15, Dymetman discloses includes retaining a retrievable record of each control interface generated, the control interface being retrievable using its identity as contained in its coded data (page 401, lines 5-8).

Referring to claim 17, Dymetman discloses that the sensing device contains an identification means which imparts a unique identity to the sensing device and identifies it as belonging to a particular user and in which the method includes monitoring, in the computer system, the identity (page 401, lines 4-8).

Referring to claim 18, Dymetman discloses providing all required information relating to the device function in the control interface to eliminate the need for a separate display device (page 396, lines 12-16).

Referring to claim 19, Dymetman discloses that the control interface is printed on multiple pages and in which the method includes binding the pages (page 400, lines 1-26).

Referring to claim 25, Dymetman discloses the sensing device sensing its movement

relative to the control interface using at least some of the coded data (page 393, lines 1-4).

Referring to claim 27, Dymetman discloses that the computer is operative to issue a command code to the device to perform function through the sensing device (page 393, lines 2-9).

Referring to claim 28, Dymetman discloses that the computer is operative to issue a command code to the device to perform the function independently of the sensing device (page 393, lines 5-9).

Referring to claim 29, Dymetman discloses that the sensing device contains an identification means, which imparts a unique identity to the sensing device and identifies it as belonging to a particular user (page 401, lines 4-8).

Referring to claim 30, Dymetman discloses that the control interface is printed on a surface of a surface-defining means and in which the system includes a printer for printing the control interface on demand (page 404, lines 16-27).

Referring to claim 31, Dymetman discloses that the printer prints the coded data at the same time as printing the control interface on the surface-defining means (page 399, lines 8-14).

Referring to claim 33, Dymetman discloses database for keeping a retrievable record of each control interface generated, each control interface being retrievable by using its identity as included in its coded data (page 401, lines 4-8).

Referring to claim 34, Dymetman discloses catering for a control interface printed on multiple pages, the printer includes a binding means for binding the pages (page 401, lines 4-11 and page 399, lines 8-14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dymetman and further in view of "Multicast or Bust" (Paul Boutin), herein referred to as Boutin.

Referring to claim 16, Dymetman does not disclose distributing a plurality of the control interfaces using a mixture of multicast and pointcast communications protocols. Boutin discloses distributing user interfaces using a mixture of multicast and pointcast communications protocols (page 2, lines 29-31). It would have been obvious for one skilled in the art, at the time of the invention to learn from Boutin to disclose distributing a plurality of the control interfaces using a mixture of multicast and pointcast communications protocols. Boutin teaches how multicast and pointcast protocols are used to efficiently distribute Internet data. Dymetman discloses the use of Internet data and mass distribution of this data, wherein clearly Dymetman would be motivated to learn from Boutin to implement efficient communication protocols to reduce traffic, as is the intention of Boutin's teachings. Hence, it would have been obvious for one skilled in the art at the time of the invention to learn from Boutin to distribute a plurality of the control interfaces using a mixture of multicast and pointcast communications protocols.

Response to Arguments

3. Applicant's arguments filed 7/15/05 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Dymetman does not disclose how the page-ids are associated with the digital page. The present claims themselves teach merely an association between the invisible coded data including page-id with the graphic visible data, wherein clearly Dymetman does disclose an association between the graphic data and the page-id data, wherein further association allowing for determination of a page-id and retrieval of data based on this page-id. The arguments point out that the processing step is not carried out, wherein the present claims teach that printing occurs which is clear in Dymetman of the printing of invisible and visible coded data, but the present claims do not disclose actual processing steps for the association of the invisible and visible coded data. It is also pointed out that Dymetman has already taught that there is an association between invisible and visible coded data, wherein any processing for carrying out this association may be deemed obvious or inherent.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) (updated as of July l 5, 2005), b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1 . 1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery." The official notice dated June 20, 2005 also includes an "updated list of exceptions to the centralized delivery and facsimile transmission policy for patent related correspondence." Questions regarding this notice may be e-mailed to Patentpractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at 800-786-9199, or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Namitha Pillai
Assistant Examiner
Art Unit 2173
October 3, 2005